

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION
CASE NUMBER:**

Greg Harris,

Plaintiff,

v.

Andrew Cooper, AlliedBarton Security Services, LLC d/b/a AlliedBarton and Yale Enforcement Services n/k/a Allied Universal Services,

Defendants.

2:22-cv-03587-RMG

NOTICE OF REMOVAL

TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA, CHARLESTON DIVISION:

The Defendants would respectfully show in support of their Notice of Removal that:

1. This action was commenced on or about February 19, 2020 in the Court of Common Pleas for Charleston County, South Carolina, which is within the Charleston Division of this Court. 28 U.S.C. § 121(1). The Plaintiff's original Complaint, Amended Complaint and Second Amended Complaint are attached to this Notice as Exhibits "A", "B" and "C". Defendants' Answer to Plaintiff's Second Amended Complaint is attached as Exhibit "D".

2. This action is one of a civil nature over which the District Courts of the United States have original jurisdiction, said action having been brought by the Plaintiff against the Defendants for injuries allegedly sustained during an altercation at the Trident Medical Center located in North Charleston, South Carolina. Plaintiff has alleged, as of September 19, 2022, that his complaint states a claim for injuries under 42 U.S.C. § 1983 and alleges this claim in his supplemental memorandum opposing summary judgment which is attached hereto as Exhibit "E". Plaintiff's initial memorandum opposing summary judgment is also attached as Exhibit "F". Plaintiff also asserts state law claims.

3. Pursuant to 28 U.S.C. § 1441(a), the Defendants may remove to the District Court of the United States, for the district and division embracing the place where such action is pending, any civil action brought in a state court of which the district courts of the United States have original jurisdiction. Pursuant to 28 U.S.C. § 1441(b), any civil action of which the district courts have original jurisdiction founded on a claim or right arising under the Constitution or laws of the United States shall be removable without regard to the citizenship or residence of the parties.

4. By virtue of 28 U.S.C. §§ 1331 and 1343(a), the United States District Court has original jurisdiction of any civil action for a claim under 42 U.S.C. § 1983. Section 1983 does not expressly prohibit removal and the existence of concurrent jurisdiction in the state court over claims under 42 U.S.C. § 1983 is insufficient, standing alone, to defeat the right of removal granted to the Defendants under 28 U.S.C. § 1441.

5. Defendants first received notice of the alleged federal question claim under 28 U.S.C. § 1446(b)(3) when they were served with Plaintiff's Memorandum Opposing Summary Judgment on September 19, 2022. Defendants therefore believe this Notice of Removal is timely as thirty days have not elapsed since the receipt of this paper.

7. By virtue of the foregoing, the Defendants hereby remove this action to the United States District Court for the District of South Carolina, Charleston Division.

8. The Defendants have furnished to the Clerk of Court for Charleston County a copy of this Notice of Removal.

(*SIGNATURE TO FOLLOW*)

MURPHY & GRANTLAND, P.A.

s/Ronald B. Diegel

Ronald B. Diegel, Esquire – Bar No. 65076
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Attorneys for Defendants

Columbia, South Carolina
October 17, 2022

Certificate of Service

I, the undersigned employee of the law offices of Murphy & Grantland, P.A., Attorneys for Defendants Andrew Cooper and AlliedBarton Security Service, LLC a/k/a Allied Universal Security, do hereby certify that on _____, I have served a copy of the foregoing Notice of Removal, Answer, Civil Cover Sheet and Local Rule 26.01 Interrogatories in connection with the above-referenced case placing same in the U.S. mail, postage paid to:

Brice E. Ricker, Esquire
Smith Ammons, LLC
1668 Old Trolley Road, Suite 104
Summerville, SC 29485
Attorney for Plaintiff

s/ Ronald B. Diegel
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